

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAUGHING RABBIT, INC.,

Plaintiff,

v.

PETERSON INDUSTRIES, LLC,

Defendant.

Case No. C07-0466RSL

ORDER DENYING MOTION FOR  
DEFAULT, GRANTING  
DEFENDANT'S MOTION TO  
EXTEND TIME TO ANSWER, AND  
DENYING MOTION TO STRIKE

This matter comes before the Court on plaintiff's motion for default (Dkt. #6). The deadline to answer was September 4, 2007. However, before plaintiff filed this motion, defendant did not file an answer or otherwise defend.

After plaintiff filed its motion, defendant filed a motion to extend time to answer (Dkt. #8) and filed its answer on November 9, 2007. Defendant explained that it did not file its answer sooner because the parties were engaged in good faith settlement negotiations, and it believed that plaintiff had consented to an extension to facilitate settlement. Plaintiff filed a motion to strike defendant's answer. (Dkt. #14).

The record does not show that plaintiff consented to an extension to answer beyond September 4, 2007. Nor did plaintiff somehow trick defendant into believing such an agreement

1 had been reached. Also, it was defendant's obligation to obtain that consent to avoid a motion  
2 for default.

3 Nevertheless, the Court prefers to resolve matters on the merits. Furthermore, even if  
4 default were entered, the Court would vacate the default because defendant has shown good  
5 cause to do so. Defendant has offered a credible, good faith explanation for its failure to answer  
6 in a timely manner. There is no evidence that defendant ignored the complaint, attempted to  
7 manipulate the system, or delayed responding to gain a strategic advantage. Also, the delay has  
8 been minimal and has not prejudiced plaintiff. Defendant is cautioned, however, to exercise  
9 diligence regarding deadlines in this matter.

10 Accordingly, the Court DENIES plaintiff's motion for default (Dkt. #6), GRANTS  
11 defendant's motion for an extension to answer (Dkt. #8), and DENIES plaintiff's motion to  
12 strike defendant's answer (Dkt. #14).

13  
14 DATED this 16th day of November, 2007.

15  
16 

17 Robert S. Lasnik  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27